

REMARKS

In the Final Office Action of July 30, 2008, claims 2-9 and 19 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as allegedly being unpatentable over claims 2-9 of co-pending Application No. 10/056,096. In addition, claims 2-4 and 19 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 6,114,996 (“Nghiem”) in view of U.S. Patent No. 5,764,190 (“Murch et al.”). Furthermore, claims 5-9 and 20 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Nghiem and Murch et al. in further view of U.S. Patent No. 6,002,367 (“Engblom et al.”). Lastly, claim 21 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Nghiem and Murch et al. in further view of U.S. Patent No. 6,054,953 (“Lindmark”).

In response, Applicants have amended the independent claim 19 to more clearly distinguish the claimed invention from the cited references of Nghiem and Murch et al. Support for this claim amendment can be found at least in Fig. 5, lines 25-28 on page 4 and lines 1-2 on page 5 of the current application. As amended, the independent claim 19 is not obvious in view of the cited references of Nghiem and Murch et al., as explained below. In view of the claim amendments and the following remarks, Applicants respectfully request that the amended independent claim 19, as well as the dependent claims 2-9, 20 and 21, be allowed.

With respect to the provisional obviousness-type double patenting rejections of claims 2-9 and 19, Applicants note herein that these rejections will be addressed at a later time, assuming that these rejections are still applicable.

I. Patentability of Amended Independent Claim 19

As amended, the independent claim 19 includes the limitations of “*the conducting plate being exclusively connected to a support that is at least partially located between the conducting plate and the ground conductor that form a capacitor, the conducting plate of the capacitor being fed via the support, the support being electrically insulated from the ground conductor,*” which are not disclosed in the cited references of Nghiem and Murch et al. Thus, Applicants respectfully assert that the

amended independent claim 19 is not obvious in view of cited references of Nghiem and Murch et al., and request that the amended independent claim 19 be allowed.

5 The Office Action on page 3 admits that “Nghiem does not teach that the antenna feed is capacitively coupled to the ground conductor by means of a conducting plate separate from and opposed to a portion of the ground conductor and the conducting plate being connected to a support that is at [least] partially located between the conducting plate and the ground conductor, the support located between the conducting plate and the ground conductor, the support being electrically insulated from the ground conductor.” However, the Office Action then alleges that “Murch teaches that the antenna feed is capacitively coupled to the ground conductor by means of a [completely flat] conducting plate separate (figure 2 and item 9) from and opposed to a portion of the ground conductor (see figure 2, item 6, see column 3 and lines 15-48) and the conducting plate being connected to a support (see figure 12, the portion of dielectric material) that is at [least] partially located between the conducting plate and the ground conductor, the support located between the conducting plate and the ground conductor, the support being electrically insulated (dielectric material such as glass does have the property of electrically insulation) from the ground conductor.” Thus, the Office Action has equated the claimed “support” with the dielectric material shown in Fig. 12 of Murch et al.

However, the conducting plate 9 shown in Fig. 12 of Murch et al. (see Fig. 2 for reference numbers since reference numbers are not used in Fig. 12) is connected to both the dielectric material and the second conductor 8, which is attached to the top of the conducting plate 9 that is connected to the dielectric material. Thus, the conducting plate 9 is connected to both the second conductor 8 and the dielectric material, which has been equated to the claimed “support.” Thus, the cited reference of Murch et al. does not disclose “*the conducting plate being exclusively connected to a support that is at least partially located between the conducting plate and the ground conductor that form a capacitor*” (emphasis added), as recited in the amended independent claim 19. Furthermore, the dielectric material is not used to feed the conducting plate 9. Thus, the cited reference of Murch et al. also does not disclose “*the conducting plate of the capacitor being fed via the support,*” as recited in the amended independent claim 19. Consequently, the cited references of Nghiem

and Murch et al. even when combined do not teach or suggest all the limitations of the amended independent claim 19. Therefore, the amended independent claim 19 is not obvious in view of the cited references of Nghiem and Murch et al. As such, Applicants respectfully request that the amended independent claim 19 be allowed.

5

II. Patentability of Dependent Claims 2-9, 20 and 21

Each of the dependent claims 2-9, 20 and 21 depends on the amended independent claim 19. As such, these dependent claims include all the limitations of the amended independent claim 19. Therefore, Applicants submit that these dependent claims are allowable for at least the same reasons as the amended independent claim 19.

Applicants respectfully request reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,
Boyle et al.

20

Date: September 30, 2008

By: /thomas h. ham/
Thomas H. Ham
Registration No. 43,654
Telephone: (925) 249-1300